

**Planning Board
Meeting Minutes
November 1, 2022
6:32 PM-8:14 PM**

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TOWN OF WESTBOROUGH

Planning Board Present: Chairman Mark Silverberg, Hazel Nourse, Peter Bouchard, Jon Pezzoni, John Gelcich

Also present: Jim Robbins-Town Planner, Kristen Belanger-Planning Dept. Administrative Assistant

Not present:

The regularly scheduled meeting of the Westborough Planning Board was held at the Great Hall of the Forbes Building at 45 West Main St, Westborough, MA 01581 on Tuesday, November 1, 2022. Chairman Silverberg convened the meeting at 6:32PM.

Continuation of Public Hearing for Special Permit #2022-2, Banfield Pet Hospital, 290 Turnpike Suite 180

11/1/2022 letter from Jeff Hammond was read into the record.

Mr. Robbins went through the details of the decision with the board.

Member Bouchard made a motion that the Planning Board approve the Special Permit Application for 290 Turnpike Road, Banfield Veterinary, with conditions as stated in the Special Permit Decision #2022-2 dated November 1, 2022. Member Nourse seconded.

Vote: 5-0

Member Gelcich made a motion that the Planning Board close the special permit public hearing for 290 Turnpike Road, Banfield Veterinary. Chairman Silverberg seconded.

Vote: 5-0

Submission of Preliminary Subdivision Plan for 48 Flanders

Barry Yaceshyn, Engineer with WDA representing the applicant presented.

This is a section of land off Flanders Rd. 8.3 acre lot to be subdivided. Will be 6.5 acres. The applicant intends on building three 3,200 sq. ft. homes. They will use existing water and sewer utilities off Flanders Rd. One home will connect to sewer, the other two will have septic. They are looking for 4 waivers. They are requesting going from 6% to 9% grade, reducing the leveling area prior to entering Flanders Rd. from 100' to 50' distance and reduce width of road from 30' to 26' and off grade of road from 3.1 to 2.1. All waivers are to reduce excavation and disturbances.

Chairman Silverberg pointed out there are three conforming building lots and there is one (Lot 2) that will be non-conforming and will stay undeveloped. ANR will provide additional land for 52 and make House 50 conforming. Parcel B will be part of Lot 52. Parcel A will be conveyed to Lot 2. Lot 52 is a house over a garage.

It was asked "What are up front issues with changing the grade".

- With grading on this plan, the slope will be greater on the road but less on the lots and will require less earth moving and will be better for the land overall. Better than if he maintained grades of a conventional plan.
- Stormwater is held before the intersection and then distributed to an overflow area.

Original existing condition was at 8.3 acres which included #50 plus Parcel B and C. Assessor has this as 7.3 acres. Does this need to be revised on our end?

The Plan will be sent to all town departments for comments. A Public Hearing is not required for preliminary subdivision plans.

WDA is working with Lisa Allain, Town Engineer, to work out the water/sewer connection.

Member Gelcich said to focus on landscaping between the houses on Flanders.

Member Gelcich made a motion that the Planning Board accept the Preliminary Subdivision Plan submittal for 45 Flanders Road as submitted by Waterman design Associates. Member Pezzoni seconded.

Vote: 5-0

Continuation of Public Hearing for 180-182 Turnpike Rd Site Plan Application

Chairman Silverberg read the letter from the applicant requesting an extension into the record.

Member Nourse made a motion that the Planning Board continue the public hearing for the Site Plan Review Application of 180-182 Turnpike Road to Tuesday November 15, 2022 at 6:30pm as requested by the applicant. Member Bouchard seconded.

Vote: 5-0

Continuation of Public Hearing for Earth Moving Permit, 25 Gleason

Chairman Silverberg read the letter from the applicant requesting an extension into the record.

Member Nourse move that the Planning Board continue the public hearing for the Earth Moving Special Permit Application for 25 Gleason Street to the first Planning Board Meeting in December: December 6, 2022 at 6:30pm as requested by the applicant. Member Bouchard seconded.

Vote: 5-0

Continuation of Public Hearing for 190-212 Oak Street Site Plan Application

Chairman Silverberg read the letter from the applicant requesting an extension into the record.

Member Bouchard made a motion that the Planning Board continue the public hearing for the Site Plan Review Application for 190-212 Oak Street to Tuesday November 15, 2022 at 6:30pm as requested by the applicant. Member Nourse seconded.

Vote: 5-0

Update on Village Commons

Mr. Robbins reported of the 8 items, 5 are completed and there are 3 open.

In regards to site conditions, many concerns for drainage and grading, also need to complete the pedestrian connection with Westboro Village at 11 Gleason.

Mr. Ansari requested a bond estimate for the remaining work. Ms. Allain is evaluating open items to date and will report back to the board.

The discussion this evening has to do with the bond and getting the remaining 2 occupancies.

Farooq Ansari presented. Up to this point he has never asked for a bond reduction. He asked Ms. Allain to evaluate. She responded it may not be adequate for completing the remaining items. Original bond was \$430k. When she returns from vacation she will take another look and report back.

Building Dept. signed off on a permit for the last affordable unit #13.

Mr. Ansari said there is adequate bond to cover the remaining items. Biggest ticket item is the paving. It shouldn't cost more than \$45k. Member Nourse is not in favor of reducing the bond.

Fred Lonardo, Community Development Director commented, the final COO for the last market rate unit is the final item he can use for recourse on the development. The commercial property was removed from the Certificate of Occupancy. The Town will have nothing but the bond to make the developer complete the remaining work for things like garages and the clubhouse. This project was accepted 5 years ago, these buildings should have already been completed.

Chairman Silverberg won't agree to reduce the bond unless the engineer's estimates are lower than the \$430k we are holding.

Mr. Lonardo reported the clubhouse is in the framing stage. He has no idea when this will be completed.

Mr. Ansari added that he doesn't believe there should be insecurity on the clubhouse not being completed. They are still waiting for the metal rooves to arrive for the garages as well as the stucco.

The framing of the clubhouse was completed 1 month ago. They left this area to be finished at the end because there is no way to get large equipment onto this part of the property.

Member Nourse is concerned that remaining items will not be completed based on the history with Mr. Ansari. The first unit was occupied 2 years ago.

Member Nourse and Member Bouchard believe this is an issue with Mr. Ansari and his buyers. The Planning Board needs to leverage the COO to ensure remaining features are completed.

Member Pezzoni mentioned until we hear from Ms. Allain, there is nothing more that can be done.

Mr. Robbins explained what the process would be if the COO is given and work is abandoned/not completed by the developer.

This project has a surety bond. Whoever is going to claim it, must do the work up front and be reimbursed. The Town will need to pay up front for the work and will require the Planning Board to go to Town Meeting to ask for the money.

Chairman Silverberg asked if Mr. Ansari could provide an additional cash bond to cover the value. We could take Ms. Allain's estimate to figure out a cash bond to cover the remaining costs without having to go to Town Meeting.

Mr. Ansari responded he cannot put up any more cash bond.

Member Pezzoni thinks collecting money from buyers and not providing what you sold is unfair.

Mr. Lonardo feels part of the issue is the timing and the disregard for timelines and construction schedules. He feels previous experience working with Mr. Ansari, we will be discussing this, this time next year.

Chairman Silverberg will put this on the agenda for 11/15.

Plans were submitted today for Option 1 and Option 2 for the commercial property on Village Commons.

Chairman Silverberg thought we discussed twelve 2 bedrooms. He thinks an apartment building is a better option than townhouses.

Govarthanan Ravi- owner of 14 Daania. He has been waiting for 2 years to get into this property. The affordable unit has been holding up his Certificate of Occupancy. His current apartment may not renew his lease. They may lose out on buying this house if they lose their loan. Since his unit is the last one, he believes he is holding the burden of the development.

Chairman Silverberg explained that the Planning Board has been dealing with this developer for the past 3 years advocating on their behalf.

Member Gelcich pointed out the Planning Board needs to be protecting the towns interest instead of an individuals in this situation. If the COO is given to help 14 Daania's situation, the town could have to take responsibility for completing the remaining development if the developer walks away.

The Planning Board invited Jon Steinberg, the Chief Assessor to educate the board on the single versus dual tax rate.

Chairman Silverberg asked for some background on the two options.

A property is valued using different class types. The percentage of values lays out the tax burden of each class. Select Board has the option to shift the portion of residential tax to commercial. Right now we have 70% residential property and 30% non-residential property. Can take a % up to 50% of commercial 30% (15%) and shift from residential to commercial. Lowering residential and increasing burden on the commercial. Reason to do this is to provide tax relief. Decision will be made by Select Board at the tax classification meeting on 11/22.

The argument against, commercial and industrial growth will be affected. When taxes are raised the company will go elsewhere since this cost is passed on to businesses versus owners bearing the burden.

Member Nourse asked if it possible to do a gradual adjustment? Mr. Steinberg stated each year you can decide the value, it is an independent decision based on factors of that year.

Member Pezzoni asked if split rate was decided what is the impact of change on the residential side. If a single-family house is saving \$200, the commercial would realize a \$2000 additional cost. For years there has been more residential construction than commercial. Amazon and Olympus and new commercial will be coming online and the tax will be realized shortly. Reality is taxes go up as result of spending. Increase in valuation of residential increases the rate. Shift from commercial to residential has gone up ½ %.

Commercial tax rate goes up, rents will get passed down to the tenants. Renewals will not be realized. Landlord has to take on all expenses. Then new tenant will need to realize all these expenses.

Mr. Robbins informed the Planning Board that EDC voted to support the single tax rate. Values of commercial properties will decrease with an increased tax rate. Mr. Robbins would advise to stay single tax rate.

Member Nourse made a motion to accept 9/20/22 minutes as corrected. Chairman Silverberg seconded. Vote: 5-0

Master Plan Implementation Committee will meet on 11/15 at 6pm. Planning Board is encouraged to come. Donny Goris-Kolb from VHB will provide an agenda.

Member Nourse made a motion to adjourn the meeting at 8:14 pm. Member Pezzoni seconded.

Vote: 5-0

Respectfully Submitted by Kristen Belanger, Planning Dept. Admin. Assistant


**One board member signature required for approval.*